

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-16520 - APPLICANT: NUVISION HOLDINGS, LLC -
OWNER: THE MOYER TRUST

** CONDITIONS **

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for mixed-use developments.
2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-16510), Site Development Plan Review (SDR-16508), Variance (VAR-16512), and Variance (VAR-16516) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The purpose of this request is for a Special Use Permit for a proposed 5-story, mixed-use development consisting of 10,500 square feet of commercial space and 32 residential units with waivers for residential adjacency in conjunction with a mixed-use project as well as companion items for a Rezoning (ZON-16510) from U (Undeveloped) to C-1 (Limited Commercial District), Variances (VAR-16512 & VAR-16516) for increased percentage of lot coverage and reduced parking, as well as and a Site Development Plan Review (SDR-16508) for a mixed-use project on 0.98 acres at the southwest corner of Rainbow Boulevard and Peak Drive U (Undeveloped) Zone [SC (Service Commercial) Land Use Designation] [Proposed: C-1 (Limited Commercial) Zone].

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/85	The City Council approved a Rezoning (Z-51-85) from U (Undeveloped) to R-3 (Medium Density Residential) for an apartment complex, which was constructed, but left out this 0.97 acre site.
09/06/89	The City Council approved a Rezoning (Z-79-89) this parcel from U (Undeveloped) to C-1 (Limited Commercial); however this application has since expired.
01/12/98	The City Council denied a request to Rezone (Z-113-97) from U (Undeveloped) to C-1 (Limited Commercial).
01/12/98	The City Council denied a request for a Special Use Permit (U-118-97) to construct a 3,150 square-foot convenience store with a retail pad site and a billboard.
11/16/06	The Planning Commission recommended denial of companion items ZON-16510, VAR-16512, VAR-16516 and SDR-16508 concurrently with this application.
11/16/06	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #21/ng).
<i>Related Building Permits/Business Licenses</i>	
	No buildings exist on this parcel.
<i>Pre-Application Meeting</i>	
08/04/06	The applicant was informed that the height of the proposed building was significantly taller than any building in the area, and that the residential adjacency standards were not being met. Additionally, the applicant was informed that parking would need to be reconfigured to meet the handicapped parking standards as well as the site being under parked.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application, nor was one held.

Details of Application Request	
Site Area	
Gross Acres	1.05
Net Acres	0.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped)
North	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Condominiums	M (Medium Density Residential)	R-PD18 (Residential Planned Development 18 Units Per Acre)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan	Y		
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	Y		Y
A-O Airport Overlay District	Y		Y
Trails		N	N/A
Rural Preservation Overlay District		N	N/A
Development Impact Notification Assessment		N	N/A
Project of Regional Significance		N	N/A

DEVELOPMENT STANDARDS

Per 19.08 the following development standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.97	Y
Min. Lot Width	60 Feet	190 Feet	Y
Min. Setbacks			
• Front	20	20	Y
• Side	10	10	Y
• Corner	15	15	Y
• Rear	20	25	Y
Min. Distance Between Buildings	N/A	N/A	Y
Max. Lot Coverage	50%	68%	N

Max. Building Height	150	70	Y
Trash Enclosure	50	In Garage	Y
Mech. Equipment	Screened	Screened	Y

Per 19.08.060, the following development standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	140	60 Feet Most Intrusive	N
Adjacent development matching setback			
Trash Enclosure	50	In Garage	Y
1:1 Step-back Mixed-use			Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
U (SC)	N/A	N/A	C-1	N/A	SC	N/A

Per 19.12, the following landscaping standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	N/A Parking Structure	N/A	N/A	N/A
Buffer: Min. Trees	1 Tree/20 Linear Feet	31 Trees	27 Trees	N
TOTAL		31 Trees	27 Trees	N
Min. Zone Width	15/20 Feet		10/15 Feet	N
Wall Height	N/A		N/A	N/A

Per 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regular	Handi-capped	Regular	Handi-capped	
			Residential	32 d/u	1.75/du + 1/6du	62	
Commercial	10,500 sq. ft.	1:175 sq. ft.	60	3	44	2	N
SubTotal			122	5	88	4	N

TOTAL (including handicap)			122		88		
Loading Spaces			1	N/A	1	N/A	Y
Percent Deviation (VAR only)			27.47%				

Waivers		
Request	Requirement	Staff Recommendation
Landscaping (Depth)	15 & 20 Feet	Approval w/conditions
Landscaping (Tree Requirement)	31 Trees	Denial
Landscaping (Shrubs)	5 Shrubs per Tree	Denial

ANALYSIS

The applicant is proposing to develop a five-story, mixed-use project, consisting of two commercial tenant spaces totaling 10,500 square feet and 32 residential units. The first level of the project will contain the retail uses and a portion of the parking garage and a trash collection area. The entire second level of the building will be dedicated entirely to a parking garage. The third, fourth, and fifth levels of the building will contain 32 condominium units with four different floor plans, all of which will have two bedrooms and two bathrooms.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed land-use can not be conducted in a manner that is harmonious and compatible with existing and surrounding land uses. At a height of 70 feet, the proposed development will be at least 35 feet taller than any of the residential developments in the area. Moreover, a shortage of parking could necessitate retail customers to park on Peak Drive.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

The site is not physically suitable for the intensity of the proposed development. The applicant is overbuilding the site by building to a height of 70 feet, seeking a parking variance, and a variance for increased lot coverage.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

At this location, Rainbow Boulevard is an 80-foot wide right-of-way as is Peak Drive. Public Works indicates that this development should not negatively affect traffic.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Approval of this project is inconsistent for this area by proposing a development that is out of scale with the surrounding land uses due to the height of the project. Moreover, the health, safety and welfare of the public would be compromised by the height of the building by reducing light (casting shadows) upon the existing apartments to the west.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed use does not meet the necessary parking for this type of project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 177 by City clerk

APPROVALS 0

PROTESTS 0